



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/029,958	12/21/2001	Travis Robert Taylor	LAM2P238.CIP	6071

25920 7590 08/27/2003
MARTINE & PENILLA, LLP
710 LAKEWAY DRIVE
SUITE 170
SUNNYVALE, CA 94085

[REDACTED] EXAMINER

ROSE, ROBERT A

[REDACTED] ART UNIT [REDACTED] PAPER NUMBER

3723

DATE MAILED: 08/27/2003

6

Please find below and/or attached an Office communication concerning this application or proceeding.

CS

Office Action Summary	Application No.	Applicant(s)
	10/029,958	Travis et al
	Examiner	Art Unit
	Robert Rose	3723
		

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.

- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.

- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.

- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on Oct 7, 2002

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-19 is/are pending in the application.

4a) Of the above, claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) 10-15 is/are allowed.

6) Claim(s) 1-9 and 16-19 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claims _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. _____.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s). <u>5</u>	6) <input type="checkbox"/> Other: _____

Art Unit: 3723

DETAILED ACTION

1. Receipt is acknowledged of Applicant's Prior Art Statement, filed October 7, 2002.
2. Claims 1-20 are presented for examination.
3. Claims 17-18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In claim 17, line 1 there is lack of antecedent basis for "a system as recited in claim 2". Note that claim 2, which depends directly from claim 1, recites a "platen" in the preamble, therefore the scope of the claim is not clear. Was claim 17 intended to depend from claim 2, or from independent claim 16, which recites "a system"? Similarly, in claim 18, line 1 the phrase "a system..." is without proper antecedent support, rendering the scope of the claim indefinite.
4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
5. Claims 1-9, and 16-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pant et al(US 5916012). Note that the structure of Pant et al would meet the limitation of an outer set of pressure sub regions located outside the circumference of the wafer, provided the wafer is appropriately sized. Although the trend is toward the manufacture of increasingly larger wafers for greater yield, it is known in the past to make wafers of diameter smaller than disclosed

Art Unit: 3723

in Pant et al. To use the device of Pant et al in combination with prior art wafers of smaller size would have been at most an obvious matter of design choice. Such choice of wafer size would naturally lead to some of the pressure subregions of the platen being located outside of the wafer circumference, and would inherently allow the pad upper surface to be altered. Pant et al discloses at column 5, lines 4-6 that the circular section(30) containing the holes can be larger than the wafer if desired. Note column 9, lines 1-6 of Pant et al that the dispensing fluid may either be a liquid or a gas.

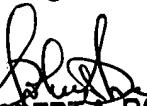
6. Claims 10-15 are allowed.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Thornton et al is cited of interest to show a linear polisher having an air or gas bearing platen with pressure sensors for detecting the pressure at an upstream and downstream edge of the wafer.

8. Any inquiry concerning this communication should be directed to Robert Rose at telephone number (703) 308-1360.

rr

August 19, 2003.


ROBERTA A. ROSE
PRIMARY EXAMINER
ART UNIT 323